

AN ACT

ENTITLED, An Act to revise certain provisions regarding the Board of Counselor Examiners and the regulation of counseling.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-32-1 be amended to read as follows:

36-32-1. Terms as used in this chapter mean:

- (1) "Board," the Board of Counselor Examiners established under this chapter;
- (2) "Counseling," rendering or offering to render to any person, group, organization, or the general public, a counseling service involving the application of clinical counseling principles, methods, or procedures to assist any person in achieving more effective personal, social, educational, or career development and adjustment;
- (3) "Counseling principles, methods, or procedures," an approach to counseling that emphasizes the counselor's role in systematically assisting any client through all of the following: assessing and analyzing background and current information, formulating a conceptual understanding of the problem, exploring possible solutions, and developing and providing a treatment plan for mental and emotional adjustment or development;
- (4) "Doctorate or master's degree in counseling," completion of study following a bachelor's degree in a clearly identified counseling program which stands as a recognizable organizational entity within an accredited institution of higher learning and which includes participation in a supervised practicum and internship in counseling;
- (5) "Postgraduate," following completion of study for a master's or doctoral degree;
- (6) "Supervised internship," an actual on-the-job-experience in professional counseling under the supervision of an on-site supervisor who is a licensed professional counselor or related mental health professional or who is eligible to be licensed;
- (7) "Supervised practicum," the providing of counseling to any bona fide client or group

seeking services from a counselor. This supervised practicum shall be under the direction of a qualified graduate faculty member and includes critiquing of counseling, either observed or recorded on audio or video tape.

Section 2. That § 36-32-2 be amended to read as follows:

36-32-2. There is hereby created the South Dakota Board of Counselor Examiners, which shall consist of seven members, one of whom shall be a lay member representing consumers of the services regulated by the board, one of whom shall be a counselor educator, one of whom shall be a licensed marriage and family therapist, one of whom shall be a licensed professional counselor - mental health, and two of whom shall be from any of the licensed disciplines governed by this board, all appointed by the Governor. All members with the exception of the lay member and the counselor educator shall be engaged in rendering counseling services.

Section 3. That § 36-32-6 be amended to read as follows:

36-32-6. The board shall annually elect a president and a vice-president from its members. The board shall meet at least once a year at a place and time determined by the president of the board. The president and vice-president of the board shall be included in the blanket bond on officials pursuant to § 3-5-5.1.

Section 4. That § 36-32-9 be amended to read as follows:

36-32-9. It is a Class 2 misdemeanor for any person to engage in the practice, or attempt to practice, counseling as a licensed professional counselor without a license, or licensed professional counselor - mental health without a certificate, issued pursuant to this chapter.

Section 5. That § 36-32-10 be amended to read as follows:

36-32-10. No person may represent himself or herself as a counselor by using the titles "licensed professional counselor," "licensed counselor" or "licensed professional counselor - mental health" unless licensed under this chapter.

Section 6. That § 36-32-12 be amended to read as follows:

36-32-12. Nothing in this chapter may be construed to prevent anyone from doing work within the standards and ethics of the person's respective profession or calling, provided the person does not hold himself or herself out to the public as a counselor by using the title "licensed professional counselor," "licensed counselor" or "licensed professional counselor - mental health" unless the person is licensed or certified under this chapter. Students enrolled in recognized programs of study leading to counseling degrees may practice only under the direct supervision of a counselor educator or counselor licensed under this chapter.

An Act to revise certain provisions regarding the Board of Counselor Examiners and the regulation of counseling.

=====

I certify that the attached Act
originated in the

HOUSE as Bill No. 1048

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1048

File No. _____

Chapter No. _____

=====

Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State